

(17)

**COMMISSION** to hear and determine the  
*Appeal of Cuthbert Tunstall Bishop of Durham,*  
*being deprived of his Bishoprick. 1. Sept. 1553.*

**M**ARYE, by the Grace of God, &c. to our right Trustie  
and right wellbeloved Cousyn and Counsayllour *Henry Erle*  
*of Arundell*, and to our Trustie and wellbeloved Sir *John Baker*  
Knight, Sir *Edwarde Carue* Knight, Sir *Richarde Southwell* Knight,  
Sir *Thomas Moyle* Knight, *Richarde Morgan* Sergaunte at Lawe,  
*Davye Poole* Doctour of the Lawe, and *Henry Cole* Doctour of the  
Lawe, and *William Armysted* Chanon of the Cathedrall Church of  
Saynt Pawle London, Greeting.

Whereas *Cuthbert Busshop of Duresme* hathe made Complaynte  
unto Us that of late our mooste Dearest Brother, of famous Me-  
morye, *Edwarde the Sixte* (whose Soule God pardon) graunted his  
Commyssion to Sir *Roger Cholmeley* Knight then Chief Justice, Sir  
*Richarde Reade* Knight then one of the Maistres of the Requests,  
*John Gosnolde* Esquier then Solycitour Generall, *Rychard Goodrik*  
Esquier then Attourney of the Court of the Augmentations and Re-  
venues of the Crowne, *Robert Chidley* Esquier then Attourney of the  
Court of Firste Fruyts and Tenthes, *Wylliam Stamford* Esquier and  
*Rychard Lyell* Doctour of the Lawe, upon wrong Information made  
to hym against the said *Busshopp*, commaunded the said Commis-  
sioners to procede against the said *Busshopp* as a Conspiratour  
against



COMMISSION to hear and determine

against our saide late Brother and his Realme, giving full Power and Auctoritie to all the above named seven, fix, or fyve of them, to make Proceffe and Inquires of all maner of Conventicles, Conspiraces, Contempts, Trespasses, and other Offences as they, by the Lawes Ecclesiasticall and Temporal, by their Wisdomes and Learning shulde thinke juste and reasonable; who, being all Temporal Men, unjustly proceeding contrary to the said Lawes against the said *Bushopp*, then being a Prisoner in the Tower of London, and not having Libertie graunted to have Counsaill nor Tyme convenient to make his Aunswere, or to laye in his Justification, proceeded to the giving of an unjust Sentence agaynst hym, whiche Sentence is not vayleable in the Lawe, but a Sentence bothe unjuste, and in Law of none effect, depriving hym of his Busshopriche, after dyvers and many Protestations of dyvers Greves doon unto hym, and appeale made upon the same, not onelye *apud Acta*, but also in tyme convenient before Witnesse, sythens which tyme, he hath remayned still by Commaundement in close Prison during the Lieff of our saide late Brother, not suffered to sue his saide Appeal unto nowe of late, that he being enlarged out of close Prison, made sulte unto us to have his said Cause of Nullitie and Appeale to be commytted and harde, by suche Commissioners as we shulde thinke convenient to hear, and finally to determyn the said Cause of the pretended Sentence of his Deprivation, and his Appeal from the Nullitye and Iniquitie of the same:

We

the APPEAL of BISHOP TUNSTALL.

We therfore, being determynd to have Justice to procede in our Realme, and that none of our loving Subjects shall be oppressed and excluded from the Benefite therof, of our own mere Mocyon and certeyn Knowledge, will and commaunde you, nyne, eight, seven, fixe, fyve, four, or three of you, to procede to the Hearing of the said Cause of Nullitye and Appeale, with all Matters and Causes annexed, incydent, emergent, or dependyng of the same, or any Parte therof, *ex Officio mero mixto vel promoto, omni Appellatione remota, summarie & de plano, absque omni forma & figura Judicii, ac sola Facti veritate inspecta, diebus etiam ordinariis, & extraordinariis in quibus Jus reddi non solet;*

Willing that, whiche by any nyne, eight, seven, fixe, fyve, foure, or three of you shal be begon, shall and may from tyme to tyme be contynued and ended by any of the same, or any other of you nyne.

And such Persons as you shall sende for and commaunde, to appere before you concerning thies Matters, and chiefly Maister William Saye, the Actuarie of the said pretended Proceffe, to bring before you all and every the said Acts, Proceffe and Sentence, hoolye by you, all you or three of you, to be perused, if he or they appere not, or appearing obey not your Precepts, We give you full Power and Auctoritie to ponysh theym and compell theym, aswell by Imprisonment, as by suche wayes and meanes as to you;

nyne

**COMMISSION** to determine Bishop Tunstall's Appeal.

nyne, eighte, seven, fixe, five, foure, or three of you, as is afore-  
saide shal seme convenient :

And finallie, if ye shall fynde Cause reasonable to appeare be-  
fore you, that the Sentence gyven against the said *Busshopp*, is not  
vayleable in the Lawe, but a Sentence voyde in Lawe, and injustlye  
gyven, contrary to th' Ordre of the Law, to restore hym to his  
Busshoppliche hoolye, and all Attempts made or doon after the  
said pretended Sentence, or after the Appeale from the same, to be  
revoked, and to be pronounced by you by a Sentence diffinitive,  
that his Appeale or Complaynte from the said pretended Sentence  
is juste and made of good Causes, and he by the same to be fully  
and whollye restored to all the Rents, Revenues, and Fruyts of his  
Busshoppliche; or els, if ye shall finde the contrarie, to pronounce  
his Appeale and Complaynte not good.

And seyng the said *Busshopp* was restrayned from his Liberty,  
beyng in close Prison as is aforesaid, to restore hym to all Advan-  
tage of Proccesses that he might have hadd, if he had been at Li-  
bertie, and the Lapse of any tyme for lacke of Intimation of his  
Appeale, or not pursuyng of the same, not to be imputed unto  
hym; Commanding and straightly charging, all and singuler our  
Mayers, Shireffs, Bailleiffs, and other our Ministers whatsoever, to  
be attending, ayding, and assisting to You in the doing of the  
Premisses. In Witness whereof &c.